

Notice of Allowability

Application No.

09/672,360

Examiner

Thomas M. Ho

Applicant(s)

ZIMMERMAN, THOMAS GUTHRIE

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/7/05.
2. ☒ The allowed claim(s) is/are 1-5,8,9,11,14-20 and 40-44.
3. ☒ The drawings filed on 28 September 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

1. Claims 1-5, 8,9, 11, 14-20, 40-44 are pending.

Reasons For Allowance

Applicant has cited a method which involves time limited access to people, objects, information, and services. In particular, Applicant has cited in claim 1:

“The transmitter module including an encryptor and a time generator that generates a temporal sequence of values(Tbn), wherein the encryptor encrypts the temporal sequence of values (Tbn) with a private key....”

To the Examiner’s knowledge, such a sequence of values would be analogous to a sequence of encrypted timestamps. However, the Applicant has cited reasons on page 13 of the arguments stating that “time stamps cannot be analogized to the encrypted code elements” (with bold emphasis added by Applicant)

The Examiner considers the distinction made by the Applicant towards the interpretation of the invention in the applicant is highly significant and should be made of note particularly because time stamps are commonly used in the art. The Examiner has found Applicant’s reasoning persuasive in that timestamps are not analogous to the encrypted code elements as recited in the claims.

Furthermore, it is noted that Applicant has more specifically defined the term “time-limit” access. The Examiner noted in a previous telephonic interview that such terminology was somewhat vague and could be construed in any number of manners. Applicant has provided more contextual support in which the meaning of time-limited access is to be construed (page 10 of the arguments). Moreover, the Applicant has now specifically recited such a “time window” into claim 1 to correspond to the subset of encrypted code elements. The Examiner had previously analogized the windows of time access to a method of periodically polling for a transmitted value. In light of such amendment and the further defining of “time-limited access” and the correlation of encrypted code elements with the time window, the Examiner has found Applicant’s arguments and amendments persuasive in that the method of periodically polling for a transmitted value is not equivalent to a time window during which access to the resource is authorized. For these reasons, the Examiner has withdrawn the rejections with respect to De La Huerga and the prior art and has allowed the pending claims.

Conclusion

2. Any inquiry concerning this communication from the examiner should be directed to Thomas M Ho whose telephone number is (571)272-3835. The examiner can normally be reached on M-F from 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory A. Morse can be reached on (571)272-3838.

The Examiner may also be reached through email through Thomas.Ho6@uspto.gov

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TMH

May 21st, 2005


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